



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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ANDREA SHERIDAN ORDIN
County Counsel

October 5, 2011

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTL 
Senior Assistant County Counsel

RE: Jun Tian v. County of Los Angeles
Los Angeles Superior Court Case No. SC 105 341

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jun Tian v. County of Los Angeles, Los Angeles Superior Court Case No. SC 105 341, in the amount of \$125,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Beaches and Harbors' budget.

This lawsuit arises from a collision between a Department of Beaches and Harbors' refuse-collection truck and a passenger vehicle.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jun Tian v. County of Los Angeles; Derwoyne Redmond
CASE NUMBER	SC105341
COURT	Los Angeles Superior Court, West District (Santa Monica)
DATE FILED	October 22, 2009
COUNTY DEPARTMENT	Beaches and Harbors
PROPOSED SETTLEMENT AMOUNT	\$ 125,000.00
ATTORNEY FOR PLAINTIFF	Mark D. Apelian, Esq. Bryman & Apelian
COUNTY COUNSEL ATTORNEY	Joanne Nielsen Principal Deputy County Counsel
NATURE OF CASE	<p>A County employee was driving a refuse truck northbound on Pacific Coast Highway in Pacific Palisdes. Plaintiff Jun Tian stopped for a yellow light and the County truck rear-ended her car.</p> <p>Ms. Tian treated with a chiropractor, a neurologist, a pain management specialist, an acupuncturist, and eventually saw a neurosurgeon. It was recommended that she undergo surgery because the more conservative treatments were not effective. In addition, Ms. Tian claims emotional damages.</p>

A full and final settlement of
\$125,000.00 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	94,011.00
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PAID COSTS, TO DATE	\$	26,958.00
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Case Name: Jun Tian vs. County of Los Angeles, et. al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	June 1, 2009
Briefly provide a description of the incident/event:	<p>At approximately 1:30 p.m., a DBH employee was driving a DBH trash truck northbound on PCH when the front end of the DBH truck collided with the back end of a VW Jetta also traveling northbound on PCH. This collision occurred at the intersection of PCH and Entrada Drive in the City of Los Angeles (Pacific Palisades area). The DBH driver reported that the Jetta came to a sudden stop in the intersection at PCH and Entrada. Not expecting that driver to stop, our driver was surprised and rapidly braked but could not avoid hitting the Jetta. The Jetta sustained extensive rear end damage. DBH staff were not injured and nobody received medical attention at the accident scene. The driver of the Jetta declined medical assistance.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

1. The police report states that the primary cause of the collision was the DBH employee's violation of Vehicle Code Section 21703, following too close to the vehicle in front of it.
2. The DBH investigation suggests that the person who was hit by the DBH vehicle may also have contributed to this accident by suddenly stopping her vehicle in an intersection, past the vehicle limit line, in violation of Sections 21453 and 22109 of the Vehicle Code.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Corrective Action Step #001: Update the Department's Vehicle Policy to clarify employee responsibilities when operating vehicles used for County business and institute uniform enforcement and discipline for Policy violations.

Due Date: 9/30/2011

Responsible Party: Division Chief, Administrative Services Division

Corrective Action Step #002: Require all DBH employees with a Class A or B license who operate heavy duty vehicles in the DBH fleet (e.g., trash trucks, along with other large beach maintenance equipment) to receive additional driver training.

Due Date: 12/31/2011 (winter storm preparation and cleanup may push date to March 31, 2012)

Responsible Party: Division Chief, Facilities and Property Maintenance Division

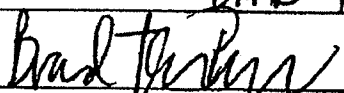
Corrective Action Step #003: Discipline meted out to the DBH driver.

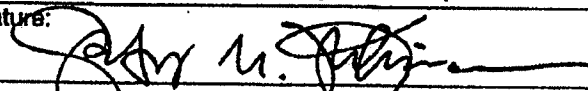
Due Date: Completed

Responsible Party: Division Chief, Facilities and Property Maintenance Division

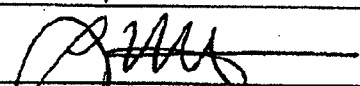
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator) BRAD FLEISHER	
Signature: 	Date: 8/16/11

Name: (Department Head) Gary H. Weinmann	
Signature: 	Date: 8/16/2011

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: 	Date: 8/18/2011

Corrective Action Plan



1. General Information

Date CAP document prepared:	August 15, 2011
Department:	Beaches and Harbors
Name of departmental contact person:	Walter Popoff
• title:	Executive Assistant
• phone number:	310-305-9579
• e-mail:	wpopoff@bh.lacounty.gov

2. Incident/Event Specific Information

Date of incident/event:	June 1, 2009
Location of incident/event:	On Pacific Coast Highway, at Entrada Drive
Event contact person:	Walter Popoff
• phone:	310-305-9579
• e-mail:	wpopoff@bh.lacounty.gov
Claim adjuster: (Third Party Administrator or County Counsel)	See County Counsel section
• phone number:	
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Joanne Nielsen
• phone number:	213-974-1876

3. Incident/Event Description:

Nature of Incident/event:	A Department of Beaches and Harbors (DBH) Trash Collection Truck collided with a passenger vehicle from behind on Pacific Coast Highway (PCH).
Provide a brief description of the incident/event:	<p>At approximately 1:30 p.m., a DBH employee was driving a DBH trash truck northbound on PCH, with two other DBH employees riding as passengers. The staff were driving back to the DBH maintenance yard at Will Rogers State Beach to finish their work day when the front end of the DBH truck collided with the back end of a VW Jetta also traveling northbound on PCH. This collision occurred at the intersection of PCH and Entrada Drive in the City of Los Angeles (Pacific Palisades area).</p> <p>The Jetta had one adult, female occupant. The DBH driver reported that the Jetta came to a sudden stop in the intersection at PCH and Entrada. Not expecting that driver to stop, our driver was surprised and rapidly braked but could not avoid hitting the Jetta. The Jetta sustained extensive rear end damage. None of the DBH staff were injured and nobody received medical attention at the accident scene. The driver of the Jetta declined medical assistance at the scene. The DBH driver was not using a hand held communications device at the time of the incident nor was there any indication/evidence of driver impairment due to intoxication.</p>

- ☐ Include a copy of the supervisor's first report of incident (or related accident, event or incident investigation documentation).

4. Corrective Action Plan Problem Statement

Provide a written narrative of the incident/event problem statement:

The County of Los Angeles can be held liable for any resulting damages to third parties when an employee driving a County vehicle causes such damage during the course and scope of their County employment.

5. Root Cause Analysis

Root Cause Analysis tool used:	5 Why Analysis
Incident/event root causes:	<ol style="list-style-type: none">1. The police report states that the primary cause of the collision was the DBH employee's violation of Vehicle Code Section 21703, following too close to the vehicle in front of it.2. The DBH investigation suggests that the person who was hit by the DBH vehicle may also have contributed to this accident by suddenly stopping her vehicle in an intersection, past the vehicle limit line, in violation of Sections 21453 and 22109 of the Vehicle Code.

- ☐ Include a copy of the Root Cause Analysis tool utilized (or related Root Cause Analysis documentation).

6. Corrective Action Plan Steps

Task number:	001
Task name:	Revise Department Vehicle Policy
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	March 31, 2011
Schedule completion date:	September 30, 2011
Responsible person:	Division Chief, Administrative Services Division (ASD)
Task description:	Update the Department's Vehicle Policy to clarify employee responsibilities when operating vehicles used for County business and institute uniform enforcement and discipline for violations of the Policy.

Task number:	002
Task name:	Provide Additional Driver Training for Operators of Heavy Equipment
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	September 1, 2011
Schedule completion date:	December 31, 2011 (winter storm preparation and cleanup may extend date to March 31, 2012)
Responsible person:	Division Chief, Facilities and Property Maintenance Division (FPMD)

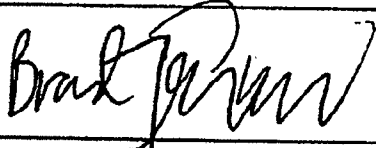
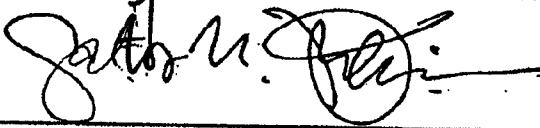
County of Los Angeles
Corrective Action Plan

Task description:	Require all DBH employees with a Class A or B license who operate heavy duty vehicles in the DBH fleet (e.g., trash trucks, along with other large beach maintenance equipment) to receive additional driver training that emphasizes heavy equipment and also addresses maintaining a safe distance behind other vehicles and other defensive driving techniques.
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Task number:	003
Task name:	Corrective Action for DBH employee
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Personnel
Schedule start date:	Completed
Schedule completion date:	Completed
Responsible person:	Division Chief, FPMD
Task description:	The DBH driver has been appropriately disciplined.

7. Review and Authorization

The department has reviewed the incident/event investigation, Root Cause Analysis documentation and Corrective Action Plan and has taken all appropriate corrective actions required.

Review and authorization steps:	Signature:	Date:
Document reviewed by department Risk Management Coordinator:		8/16/11
Document reviewed by department head or designee.		8/16/2011